

# THE CORPORATION OF THE VILLAGE OF POUCE COUPE

## BYLAW NO. 922, 2009 (Amendment to Bylaw 888, 2006) Last Consolidated January 2009

A Bylaw of the Corporation of the Village of Pouce Coupe in the Province of British Columbia relating to the **Operation and Maintenance of Pouce Coupe Riverview Cemetery**.

The Council of the Corporation of the Village of Pouce Coupe in open meeting assembled enacts as follows:

1. In this bylaw, unless the context otherwise requires:

<b>ADULT</b>	shall mean any person over 12 years of age
<b>CARETAKER</b>	shall mean the person or persons duly appointed or employed by the Corporation as Caretaker of the Cemetery
<b>CEMETERY</b>	shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the Corporation of the Village of Pouce Coupe
<b>CHIEF ADMINISTRATIVE OFFICER</b>	shall mean the person duly appointed as such by the Council
<b>CHILD</b>	shall mean any person between the ages of 1 and 12 years old
<b>CORPORATION</b>	shall mean the Corporation of the Village of Pouce Coupe, and its representatives
<b>COUNCIL</b>	shall mean the Council of the Corporation of the Village of Pouce Coupe
<b>CREMATED REMAINS</b>	shall mean the remains resulting from cremation of a deceased human body
<b>INFANT</b>	shall mean any person up to the age of one year
<b>MAYOR</b>	the person duly elected by the Village of Pouce Coupe, or their designate
<b>MEMORIAL</b>	any type of marker, pillow monument, upright monument, or gravestone used to mark a grave
<b>MEDICAL HEALTH OFFICER</b>	shall mean the person duly appointed by the Council to act as Medical Health Officer for the Corporation of the Village of Pouce Coupe

<b>MINISTER</b>	shall mean that member of the Executive Council charged by Order of the Lieutenant Government in Council with administration of the Cemetery and Funeral Services Act and includes a person designated in writing by the Minister
<b>NON - RESIDENT</b>	a person that does not reside in the Village of Pouce Coupe or Electoral Area “D” in the Peace River Region
<b>RESIDENT</b>	a person residing in the Village of Pouce Coupe or Electoral Area “D” in the Peace River Region

The use of words signifying the masculine shall include the feminine.

2. The following lands have been set aside, operated, used or maintained as a cemetery by the Village.

P.I.D. 010-089-799-Parcel A (63838M) of the North West ¼ of Section 33 Township 77 Range 14 West of the 6<sup>th</sup> Meridian Peace River District.

3. A copy of the plans of the cemetery shall be filed with the Registrar of Cemeteries and copies shall also be kept available for public inspection at the Municipal Office and at such other places as may be deemed necessary.

**LICENSE TO USE THE CEMETERY**

4. The Council may, by agreement with a society, church or other organization, reserve a section of the cemetery to be used exclusively for the interment of deceased members of the society, church, or other organizations concerned. Upon such an agreement being made, no person shall be issued with a license to use grave space in the reserved section, unless his application to the Corporation to purchase a license is accompanied by a certificate, from the society, church or organization concerned, stating that he, or the person on whose behalf he may be acting, is entitled to burial in the reserved section. All licenses issued and services rendered by the Corporation under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto as “Schedule C”.
5. The Council may grant to any person paying the fees therefore, according to the scale of fees hereinafter provided and subject to the terms of Section 4 hereof, a license for the exclusive use by him or his executors or administrators, of any one or more grave spaces which may be vacant and unlicensed in the cemetery and upon payment of said fee therefore, such person or person shall be entitled to receive a license in the form of “Schedule A” attached hereto and forming part of this bylaw.
6. The Council reserves the right to refuse to sell the use of more than two grave spaces to any one individual.
7. a) Where the holder of a license to use and occupy grave space in the cemetery wishes to transfer his right of use and occupancy to another person, he shall first provide the Corporation with full particulars of the name, address and other description of the person to whom the transfer is to be made, the consideration to be paid therefore and

such other information as the Corporation may reasonably request. The provision of such information shall not bind the Corporation to accept or permit the proposed transfer.

- b) If the license to be transferred relates to a grave space located in an area reserved under an agreement made between the Council and an organization pursuant to Section 4 hereof, the requirements of said Section 4 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.
- c) Upon acceptance by the Corporation of the transfer fee prescribed in Schedule "C" to this bylaw, and upon compliance with the requirements of the bylaw by the license holder and the person to whom the license is to be transferred, the Corporation shall effect the desired transfer by an endorsement upon the license and shall record the transfer in the books or other records kept by him for that purpose.

8. All licenses issued for use of grave space in the cemetery shall be subject to the provision of this bylaw and all bylaws now or thereafter to be passed by Council.

### **FEEES AND CHARGES**

- 9. a) The fees for interment, disinterment, use of grave space, and care of graves, and the charges for goods offered for sale by the Corporation for use in the cemetery, and any other cemetery fees shall be those set out in Schedule "C" attached hereto and forming part of this bylaw.
- b) The fees set out in Schedule "C" to this bylaw shall be paid at the Corporation's Office at the time of purchasing a cemetery license, interment permit, or any goods or services sold by the Corporation in connection with the operation of the cemetery.

### **SIZE OF GRAVE SPACES**

10. The size of grave spaces shall be:
- |                  |             |           |
|------------------|-------------|-----------|
| Adult            | 1.3m x 2.6m | (4' x 8') |
| Child            | 1.3m x 2m   | (4' x 8') |
| Infant           | 1.3m x 1.3m | (4' x 8') |
| Cremated Remains | 0.6m x 0.6m | (2' x 2') |

### **PERMISSION TO INTER, EXHUME, AND CREMATE**

- 11. No body shall be interred in the cemetery until a permit to inter the body has been obtained from the Corporation and the fee for interment as specified in Schedule "C" hereof has been paid to the Corporation, except as may be permitted otherwise under the terms of Section 16.
- 12. All permits for interment of the deceased person in the cemetery shall be in the form of Schedule "B" attached hereto and forming part of this bylaw.
- 13. All applications for a permit to inter in the cemetery must be made at the Corporation's Office between the hours of 8:30 a.m. and 4:30 p.m. on all days of the week except Saturday, Sunday, Statutory Holidays, and in cases of emergency as described in Section 16.

14. Any person who makes application for an interment permit or who requires an interment to be made shall provide the Corporation with a statement of the name, age, and date of death of the deceased, whether or not the death was caused by a communicable disease as listed in Division 7 of the “Regulations for the Control of Communicable Diseases” made under the Health Act”, the time and date of the funeral, and any other information that is reasonable for the Corporation to request.
15. No person shall be granted a permit to inter in an area of the cemetery which Council has reserved under the provisions of Section 4 hereof for burial of members of a church, society, or other organization, except where the applicant for the permit furnishes the Corporation with a Certificate from the organization for whom the area has been reserved, stating that the deceased person for whom the permit is required is entitled to burial in the reserved grave.
16.
  - a) Where the Health Officer directs, pursuant to the “Regulations for the Control of Communicable Diseases” or otherwise, that a body be buried in the cemetery during any period when the Corporation’s Office are closed, permission to inter in the cemetery shall be obtained from the Village Corporation.
  - b) Where a burial in the cemetery is performed under the conditions of section 16 a), the person who permitted the burial and the person who performed the burial shall report the matter to the Corporation with full details of the deceased as required by Section 14 hereof together with such fees as may be required in accordance with “Schedule C”, if such fees have not already been paid.
  - c) The information required to be given to the Corporation under the terms of section 16 b) of this section shall be provided to the Corporation as soon after such interment as the Corporation’s offices are opened.
17. No deceased person interred in the cemetery shall be exhumed without a written order first obtained from the proper authority in accordance with Section 58 of the Cemetery and Funeral Services Act and the presentation of such order to the Corporation for his examination.
18. It shall be unlawful to bury or cremate a deceased person within the Municipal boundary of the Corporation except pursuant to the terms of the Cemetery and Funeral Services Act and the Regulations there under.

### **INTERMENT IN THE CEMETERY**

19. No body, other than a deceased human body, or the cremated remains or other remains of a deceased human body shall be interred in the cemetery and all interments shall be subject to and comply with the provisions of this bylaw.
20. The holder of a license to use and occupy grave space in the cemetery shall not permit an interment or dispose of the said grave space to another person, group or organizations, unless such interment, transfer or disposal is made pursuant to and subject to the provisions of this bylaw.

21. a) Where the body of a person who died while suffering from a communicable disease is to be buried in the cemetery, and instruction given by the Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.
- b) Where the body delivered to the cemetery for interment is subject to direction of the Health Officer under the terms of Division 7 of the “Regulations for the Control of Communicable Diseases” made under the “Health Act”, the person delivering the body to the cemetery shall inform the Caretaker.
22. a) Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one meter (3.3 ft) of earth between the general surface level of the ground at the grave site and upper surface of the vault, casket or grave liner enclosing the body resting in the grave.
- b) Two interments may be permitted in each grave space in the cemetery.
- c) Where two interments are permitted in one grave space, and each interment is in respect to a body not in the form of cremated remains, the first body shall be buried in the grave at a lower depth than the second and each of the two burials in the grave shall conform to the requirements of section 22 a).
- d) Each interment of cremated remains in the cemetery shall be buried in the grave not less than 0.6 m (2 ft) deep, according to the requirements of Section 36.
23. No person shall inter any body in the cemetery except between the hours of eight (8) a.m. and five (5) p.m. (unless the written permission from the Corporation is first obtained, except in the emergency conditions as specified in Section 16 hereof).
24. No person shall inter any body in the cemetery on Saturday or Sunday or any statutory holiday (unless the written permission from the Corporation is first obtained, except in the emergency conditions as specified in Section 16 hereof).
25. No grave shall be dug or opened by any person unless duly authorized by the Corporation, pursuant to Section 17.
26. The Corporation may install a columbarium to accommodate remains. Otherwise, no mausoleum or above ground vault shall be constructed or erected in the cemetery.

### **CEMETERY CARETAKER**

27. a) Council may authorize the Caretaker to carry out the following:
  - i) The digging, preparation, opening and closing of graves as ordered by the Corporation.
  - ii) The direction of all funerals in the cemetery to the correct grave site.
  - iii) The installation of a memorial and construction of their foundations or bases

- iv) General work of the cemetery, to maintain it in a neat, tidy condition including maintenance of walls, fences, gates, paths or other cemetery improvements.
- v) The provisions for care of the cemetery tools and equipment.
- b) The Corporation shall maintain records and shall submit reports as required and shall do such other work as the Council may require in relation to the cemetery operation.

### **ADMINISTRATION AND CARE FUND**

- 28. The Corporation shall maintain records as necessary to the administration and management of the cemetery and as required under the Cemetery and Funeral Services Act.
- 29. The Corporation is hereby authorized on behalf of Council and subject to the provisions of this bylaw to grant a license in the form set out in “Schedule A” hereof in respect of any unoccupied and unlicensed grave space in the cemetery.
- 30. The Corporation shall issue all permits for interment required by this bylaw except as otherwise provided herein.
- 31. Upon issuing any permits for interment in the cemetery, or upon viewing an order for exhumation from the proper authority as required by Section 17 hereof, the Chief Administrative Officer shall notify the Caretaker before the time of the interment or exhumation, giving the name of the deceased, the number and location of the grave concerned and any instruction of the Health Officer relative to the interment or exhumation.
- 32.
  - a) A fund shall be established to be known as “The Cemetery Care Fund” and such fund shall be administered in accordance with the requirements of the Regulations made under the “Cemetery and Funeral Services Act” for the establishment and administration of a Municipal Cemetery Care Fund and in accordance with the procedures hereinafter set out.
  - b) A bank account shall be established to be known as “The Cemetery Care Found Account” into which the Corporation shall pay all funds received for Care Fund purposes and all such funds shall be deposited in said account, and there held, pending investment as hereinafter provided.
  - c) On all licenses for use of grave space sold after the adoption of this bylaw, the Corporation shall pay into “The Cemetery Care Fund Account” the amount received for each license sold at the fee specified in “Schedule C” hereof, 25 percent, or fifteen dollars (\$15), whichever is the greater, except in those cases where a different amount is approved by the Registrar of Cemeteries.
  - d) On all licenses for the use of grave space, and on all contracts or agreements for the sale of such licenses, the amount required to be used for Care Fund purposes shall be specified.
  - e) Any owner of a memorial marker, tablet, monument, or curbing desiring to install same in the cemetery after the adoption of this bylaw shall pay to the Corporation, prior to the

installation, ten dollars (\$10), as a contribution to the “Cemetery Care Fund”, and amounts, when received, shall be paid by the Corporation into “The Cemetery Care Fund Account” for investment as hereinafter provided.

- f) Investment of funds received for Care Fund purposes shall be made as required by the regulations under the “Cemetery and Funeral Services Act” applicable to Municipal Cemetery Care Funds.
- g) The income from the “Cemetery Care Fund” including any appreciation thereof shall be used for the sole purpose of upkeep and maintenance of property licensed, and the cemetery of which it forms a part.
- h) The principal sum of the Cemetery Fund shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the Regulations under the “Cemetery and Funeral Services Act”.

33. A separate account of all monies received under the provisions of this bylaw and of all monies expended hereunder shall be kept by the Corporation and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into a fund to be known as “The Cemetery Fund” and same shall be invested by the Corporation in accordance with the provisions of the “Municipal Act” and the interest derived from such investment shall be expended on the upkeep and development of the cemetery.

## **MEMORIALS**

- 34. After the adoption of this bylaw, no person shall place on any grave space in the cemetery a memorial until an amount of ten dollars (\$10) has been paid to the Corporation for Care Fund purposes in respect to each memorial which it is desired to install.
- 35. No grave or grave space in the cemetery shall be defined by a fence, hedge or railing, unless permission for such installation is first obtained from the Corporation and a foundation for the memorial is constructed according to the specifications of the Village, and the required fees are paid.
- 36. A memorial may be installed on a grave in the cemetery provided the installation fee, as set out in “Schedule C” hereto, is paid and the memorial is made of stone or bronze and conforms to the following:
  - a) Each memorial shall be installed in a position and specification on the grave according to that established by the Corporation for memorials on graves in the cemetery.
  - b) Each bronze memorial shall be attached to a concrete base not less than 10 cm (4 inches) thick, with side surfaces true and perpendicular with the top surface of the attached memorial.
  - c) Each stone memorial shall not be less than 10 cm (4 inches) thick and shall have its side surfaces true and perpendicular with its top surface.

- d) Except as permitted other wise in sub-section (e) the top surface of memorials and concrete bases shall measure as follows:

For clarification W (width) is East-West and L (length) is North-South.

On Adult size graves:

- i) Memorialization on one plot (adult, child, infant, double depth) Approximately  
not greater than 36” wide and 20” long
- ii) Memorialization of two persons in adjacent plots not greater than 84” wide and 20” long

On Cremated remains size grave: not greater than 20” wide and 20” long

- e) A bronze memorial intended for installation on the grave of an adult or child may be smaller than its concrete base provided the concrete base conforms to the size for the grave as required by sub-section (d) above, and provided the part of the base extending beyond and memorial does not exceed 5 cm (2”) wide and has a smooth, slightly beveled surface to shed water at its outer edges.
- f) One memorial only may be installed on each grave. However, where two related persons are buried side by side in adjacent graves, one memorial which provides for the memorialization of both persons may be used instead of two separate memorials. The single memorial must evenly embrace the two graves concerned, allowing a minimum 6” space on each end of the grave plots.
- g) On a cremated remains size grave, a memorial base which conforms to the requirements of sub-section (d) and which supports either a stone or bronze memorial may enclose one or two containers of cremated remains of a deceased person, as permitted by the terms and requirements of sub-section (4) of section 22.

**GENERAL**

- 37. Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when their condition is considered by him to be unfavorable to the attractiveness of the cemetery. Also, any and all other obstructions, such as a fence, will be removed if its condition becomes unfavorable to the attractiveness of the cemetery.
- 38. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the cemetery, other than a Caretaker of the Corporation authorized to do so.
- 39. All persons are prohibited from damaging or defacing any memorial, monument, fence, gate or structure in the cemetery, or any improvement in the cemetery.
- 40. No person shall enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 16 km/h (10 mph).
- 41. No person shall solicit orders for memorials, curbing, cappings, or like works within the limits of the cemetery.

42. All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the cemetery, may be evicted by the Caretaker.
43. The discharging of firearms, other than in regular volleys at burial services, is prohibited in the cemetery.
44. Any person who:
- willfully destroys, mutilates, defaces, injures, or removes any tomb, monument, memorial, plant, fence railing, protection structure or other structure in the cemetery;
  - plays at any game or sport;
  - discharges firearms (save at a military funeral);
  - who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein;
  - who commits a nuisance;
  - at any time behaves in an indecent or unseemly manner;
  - deposits any rubbish or offensive matter or thing in the cemetery;
  - in any way violates any grave, tomb, tombstone, vault, memorial or other structure within the same,

shall be guilty of an infraction of this bylaw and liable to the penalties plus costs hereof.

45. The cemetery shall be deemed open at sunrise every day and closed every evening at sunset. Any person in the cemetery after sunset and before sunrise, without special permission from the Corporation, shall be deemed guilty of an infraction of this bylaw and liable to the penalties hereof.
46. Every person who commits an offence against this bylaw is liable to a fine and penalty not exceeding Two Thousand dollars (\$2,000.00) and costs.
47. Notwithstanding anything herein contained, the administration and operation of the cemetery shall be carried out at all times in accordance with the “Cemetery and Funeral Services Act”.

48. This bylaw shall be cited as the “Cemetery Amendment Bylaw No. 922, 2009”. (Amendment to Bylaw 888, 2006); Last Consolidated January 2009 for the Corporation of the Village of Pouce Coupe”.

**Read a First Time** this 5<sup>th</sup> day of January, 2009.

**Read a Second Time** this 5<sup>th</sup> day of January, 2009.

**Read a Third Time** this 5<sup>th</sup> day of January, 2009.

**Reconsidered and Finally Adopted** 19<sup>th</sup> day of January, 2009.

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**Mayor Lyman Clark**

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**Chief Administrative Officer, Peter Thomas**

**Certified** a true copy of the  
“Amended Cemetery Bylaw No. 922, 2009”  
As adopted.

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**Chief Administrative Officer, Peter Thomas**

**SCHEDULE A**

**“Cemetery Amendment Bylaw No. 922, 2009”  
(Amendment to Bylaw 888, 2006)  
Last Consolidated January 2009**

**CEMETERY LICENSE**

In consideration of \_\_\_\_\_ having paid the sum of \$ \_\_\_\_\_, being the fee for use of grave space in the Pouce Coupe Riverview cemetery, he/she is hereby granted a license and permission to use and occupy plot # \_\_\_\_\_ of section # \_\_\_\_\_ in said cemetery for the purpose of interment. This is in accordance with the subject to the bylaw for the regulation of the Pouce Coupe Riverview cemetery, which may for the time being, be in force, or any law applicable thereto in force in the municipality of Pouce Coupe. In granting this license to \_\_\_\_\_, the Corporation of the Village of Pouce Coupe undertakes to maintain a cemetery care fund for maintenance of the grave space and the cemetery of which it forms part. The Village of Pouce Coupe will set a side in trust within the present calendar year for use of the cemetery care fund a portion of the grave space fee shown in the amount of \$ \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chief Administrative Officer, Corporation of the Village of Pouce Coupe

## MARKER LICENSE

### Bylaw #888, 2006 Cemetery Bylaw Last Consolidated January 2009

The licensee is hereby notified in accordance with the terms of the regulation under the cemetery and funeral services act that memorial markers made only of stone or bronze are permitted in the cemetery.

Prior to the installation of a memorial marker on the above licensed grave space, a payment of \$\_\_\_\_\_ for deposit to the cemetery care fund is required to be made by the purchaser to the Corporation of the Village of Pouce Coupe.

The licensee agrees that any and all obstructions or ornaments, such as a fence, flowers, artifacts, etc. will be removed from the plot if its condition becomes unfavorable to the attractiveness of the cemetery.

I agree to the above written license upon the terms and subject to the conditions above expressed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of licensee

**SCHEDULE B**

**Bylaw #888, 2006 Cemetery Bylaw  
Last Consolidated January 2009**

**INTERMENT PERMIT**

Permission is hereby given to \_\_\_\_\_  
to have the remains of \_\_\_\_\_  
born on \_\_\_\_\_, deceased on \_\_\_\_\_  
interred in plot # \_\_\_\_\_, section # \_\_\_\_\_ in the Pouce Coupe  
Riverview cemetery, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
at \_\_\_\_\_ am/pm.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Administrative Officer, Corporation of the Village of Pouce Coupe

**SCHEDULE C  
CEMETERY CHARGES BYLAW #888, 2006  
Last Consolidated January 2009**

**POUCE COUPE RIVERVIEW CEMETERY**

**TARIFF RATES**

	<u>Grave Space</u>		<u>Care Fund</u>		<u>Total Fee</u>
Adult Size-Resident	\$ 200.00	+	\$100.00	=	\$ 300.00
Adult Size-Non Resident	\$ 300.00	+	\$100.00	=	\$ 400.00
Child/Infant Size-Resident	\$ 150.00	+	\$100.00	=	\$ 250.00
Child/Infant Size-Non Resident	\$ 225.00	+	\$100.00	=	\$ 325.00
Cremated Remains Size	\$ 50.00	+	\$100.00	=	\$ 150.00

**OPENING AND CLOSING GRAVE FOR BURIAL**

Standard grave (Adult, child, infant)	\$ 480.00
Cremated Remains Size	\$ 150.00

**OPENING AND CLOSING GRAVE FOR EXHUMATION**

Standard grave (Adult, child, infant)	\$ 480.00
Cremated Remains Size	\$ 150.00

**EXTRA SERVICES**

Deeper depth to permit second burial in same grave to 8 feet	\$ 100.00
Burials after 5:00 pm Monday to Friday	\$ 250.00
Burials on Saturday, Sunday or Statutory Holidays	\$ 480.00
Transfer of License	\$ 20.00
Installation of Memorials/Markers (price includes \$10.00 Care Fund Fee)	
- Flat ground level memorial	\$ 185.00
- Slab/Upright Memorials/Markers	\$ 270.00

- **Above Prices Are Subject To GST**